

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA

v.

JASON FOSTER

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No. 07 CR 772

Judge Virginia M. Kendall

AGREED MOTION FOR EXTENSION OF TIME

The UNITED STATES OF AMERICA, by its attorney, PATRICK J. FITZGERALD, United States Attorney for the Northern District of Illinois hereby requests an extension of time within which to file a response to Defendant's Reply to Government's Notice of Penalty Enhancement Under 21 U.S.C. § 851. The government requests that this Court extend its time to reply to March 26, 2008. In support of its motion, the government states as follows:

1. On December 18, 2007, Defendant was charged in a two count indictment charging defendant with knowingly and intentionally distributing over 5 grams of crack cocaine (Count One) and knowingly and intentionally distributing over 50 grams of crack cocaine (Count Two), both in violation of 21 U.S.C. § 841(a)(1).

2. On January 7, 2008, the government filed its notice of intention to seek statutory enhanced penalties, pursuant to 21 U.S.C. § 851. The government stated that it may rely on two prior convictions in seeking an enhancement.

3. On February 21, 2008, counsel for defendant filed a response to the government's notice. Defendant argues that the two prior convictions listed by the government are factually related and thus actually constitute only one prior conviction for purposes of a 21 U.S.C. § 851 enhancement. This Court set a reply date for the government for today, March 19, 2008.

4. The government is currently investigating the representations made by defendant in his response. Unfortunately, the government needs more time to conclude its investigation in order to adequately and completely respond to defendant's representations. Therefore, the government respectfully requests that it grant the government an additional seven days within which to file its reply.

5. Counsel for defendant does not oppose this motion for an extension of time.

Respectfully submitted,

PATRICK J. FITZGERALD
United States Attorney

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CERTIFICATE OF SERVICE

The undersigned Assistant United States Attorney hereby certifies that the following document:

Agreed Motion for Extension of Time

was served on March 19, 2008, in accordance with FED. R. CRIM. P. 49, FED. R. CIV. P. 5, LR 5.5, and the General Order on Electronic Case Filing (ECF) pursuant to the district court's ECF system as to ECF filers, if any.

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